

REFERENCE TITLE: stationary tow trucks; right-of-way

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2002

Introduced by
Representative Konopnicki

AN ACT

AMENDING SECTION 28-775, ARIZONA REVISED STATUTES; RELATING TO VEHICLE
RIGHT-OF-WAY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-775, Arizona Revised Statutes, is amended to
3 read:

4 28-775. Authorized emergency vehicles; tow trucks; highway
5 maintenance vehicles; duties of drivers of other
6 vehicles

7 A. Except when otherwise directed by a police officer, on the
8 immediate approach of an authorized emergency vehicle **THAT IS** equipped with
9 at least one lighted lamp exhibiting a red or red and blue light or lens
10 visible under normal atmospheric conditions from a distance of five hundred
11 feet to the front of the vehicle and that is giving an audible signal by
12 siren, exhaust whistle or bell, the driver of another vehicle shall:

13 1. Yield the right-of-way.

14 2. Immediately drive to a position parallel to and as close as
15 possible to the right-hand edge or curb of the roadway clear of any
16 intersection.

17 3. Stop and remain in the position prescribed in paragraph 2 of this
18 subsection until the authorized emergency vehicle has passed.

19 B. An authorized emergency vehicle being operated with activated
20 emergency lights and siren is exempt from the requirements of this section.

21 C. The driver of a vehicle other than one on official business shall
22 not follow any fire apparatus traveling in response to a fire alarm closer
23 than five hundred feet or drive into or park the vehicle within the block
24 where fire apparatus has stopped in answer to a fire alarm.

25 D. When a police vehicle is giving a visual signal with at least one
26 lighted red or red and blue light or lens and is giving an audible signal by
27 siren, the driver of another vehicle:

28 1. Shall not approach or drive parallel to the police vehicle.

29 2. Shall maintain a distance of at least three hundred feet behind any
30 police vehicle involved in an emergency until the police vehicle moves to the
31 lane closest to the right-hand edge or curb of the roadway.

32 E. If a person who drives a vehicle approaches a stationary authorized
33 emergency vehicle and the authorized emergency vehicle is giving a signal by
34 displaying alternately flashing red or red and blue lights, the person shall
35 do either of the following:

36 1. If on a highway having at least four lanes with at least two lanes
37 proceeding in the same direction as the approaching vehicle, proceed with due
38 caution and if possible, with due regard to safety and traffic conditions,
39 yield the right-of-way by making a lane change into a lane not adjacent to
40 that of the authorized emergency vehicle.

41 2. If changing lanes would be impossible or unsafe, proceed with due
42 caution and reduce the speed of the vehicle, maintaining a safe speed for
43 road conditions.

44 **F. IF A PERSON WHO DRIVES A VEHICLE APPROACHES A STATIONARY TOW TRUCK**
45 **OR A STATIONARY HIGHWAY MAINTENANCE VEHICLE AND THE TOW TRUCK OR THE HIGHWAY**

1 MAINTENANCE VEHICLE IS GIVING A SIGNAL BY DISPLAYING ALTERNATELY FLASHING
2 LIGHTS, THE PERSON SHALL DO EITHER OF THE FOLLOWING:

3 1. IF ON A HIGHWAY HAVING AT LEAST FOUR LANES WITH AT LEAST TWO LANES
4 PROCEEDING IN THE SAME DIRECTION AS THE APPROACHING VEHICLE, PROCEED WITH DUE
5 CAUTION AND IF POSSIBLE, WITH DUE REGARD TO SAFETY AND TRAFFIC CONDITIONS,
6 YIELD THE RIGHT-OF-WAY BY MAKING A LANE CHANGE INTO A LANE NOT ADJACENT TO
7 THAT OF THE STATIONARY TOW TRUCK OR STATIONARY HIGHWAY MAINTENANCE VEHICLE.

8 2. IF CHANGING LANES WOULD BE IMPOSSIBLE OR UNSAFE, PROCEED WITH DUE
9 CAUTION AND REDUCE THE SPEED OF THE VEHICLE, MAINTAINING A SAFE SPEED FOR
10 ROAD CONDITIONS.

11 ~~F.~~ G. This section does not relieve the driver of an authorized
12 emergency vehicle from the duty to drive with due regard for the safety of
13 all persons using the highway.

14 ~~G.~~ H. Defensive driving school courses that are offered by defensive
15 driving schools operated pursuant to chapter 8, article 7 of this title may
16 include educational information relating to subsections D, ~~and~~ E AND F. The
17 department may include information relating to subsections D, ~~and~~ E AND F in
18 any of the department's examination, information or education material.

19 Sec. 2. Short title

20 This act may be cited as the "Roadside Safety Assistance Act".